

**FAX TRANSMISSION****DATE:** February 26, 2009**PTO IDENTIFIER:** Application Number 10/557,283-Conf. #9024  
Patent Number**Inventor:** Subroto Chatterjee et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** EDWARDS ANGELL PALMER & DODGE LLP

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**PHONE:** (617) 517-5543**Attorney Dkt. #:** 61383(71699)**PAGES (Including Cover Sheet):** 4**CONTENTS:** Certificate of Transmission (1 page)  
Response to Restriction Requirement (without Traverse) (2 pages)

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Application No. (if known): 10/557,283

Attorney Docket No.: 61383(71699)

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Response to Restriction Requirement (without Traverse) (2 pages)

FEB 26 2009

Docket No.: 61383(71699)  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of:  
Chatterjee et al.

Application No.: 10/557,283

Confirmation No.: 9024

Filed: November 30, 2006

Art Unit: 1646

For: APOLIPOPRTEIN C-1 INDUCED APOPTOSIS

Examiner: Howard, Zachary C.

RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

This paper is responsive to the Restriction Requirement mailed February 10, 2009.

The Examiner has required Applicants to elect one of Groups I-III for continued prosecution on the merits. Accordingly, Applicants hereby elect Group I, without traverse.

The Examiner has further required the three species elections. In order to be fully responsive to the species election, Applicants elect i) female, ii) wherein the patient has been previously diagnosed with atherosclerosis, and iii) non-infant, with traverse. Claims 1-4 and 6-11 read on the elected species of female. Claims 1-5 and 7-11 read on the elected species of wherein the patient has been previously diagnosed with atherosclerosis, and claims 1-8 read on the elected species of non-infant subject.

Applicants respectfully request reconsideration of the species election on the grounds that consideration and examination of the species identified would not impose an undue burden. Additionally, significant expense and time would be saved if all of the species (i.e., all pending claims) were searched and examined at this time. Applicants have data indicating that both male

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and female subjects benefit from the methods of claim 1. Moreover, the methods of claim 1 are independent of prior diagnosis of atherosclerosis. Finally, both infant and non-infant subject would benefit from the methods currently claimed. The search all the species set forth by the Examiner would certainly not cause a burden on the Examiner. Accordingly, Applicants respectfully request withdrawal of the species election.

If the Examiner maintains the requirement for the election of the species indicated above, Applicants respectfully indicate that these elections are made with the understanding that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.

Early examination and allowance of the application are earnestly solicited.

Date: February 26, 2009

Respectfully submitted

By 

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